

REMARKS/ARGUMENTS

The Non-final office action of November 15, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 18-35 are pending.

Claims 18, 23, 27-30, and 33-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu (U.S. Pat. No. 6,400,958) in view of Konisi (U.S. Pat. No. 6,181,921) and further in view of Sharp (U.S. Pat. No. 6,526,284). Claims 19 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Konisi and Sharp and further in view of Kim (U.S. Pat. No. 6,597,918). Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Konisi, Sharp and Kim and further in view of Gupte (U.S. Pat. Pub. No. 2002/0055350). Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Konisi, Sharp, Kim, Gupte and further in view of Cummings-Hill (U.S. Pat. No. 6,470,178). Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Konisi and Sharp and further in view of Park (U.S. Pat. No. 6,408,188). Claims 25, 31, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Konisi and Sharp and further in view of Villa-Real (U.S. Pat. No. 4,481,382). Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Sharp. These rejections are respectfully traversed.

Even assuming *arguendo* that the references disclose each element of the claimed invention and that each of the references may be combined as suggested by the Office action, the obviousness rejections are still improper. Each claim is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Isomurso in view of one or more additional cited references. The Isomurso patent reference claims priority to October 30, 1998 (prior to the filing date of the instant application) but was issued on June 4, 2002 (after the filing date of the instant application). Therefore, even assuming *arguendo* that Isomurso discloses the claimed invention, the Isomurso qualifies, at best, as prior art under 35 U.S.C. 102(e).

However, pursuant to 35 U.S.C. 103(c), subject matter which was prior art under 35 U.S.C. 103 via 35 U.S.C. 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Moreover, 35

U.S.C. 103(c) applies to subject matter which qualifies as prior art under 35 U.S.C. 102(e), such as the Isomurso reference. In the present case, both U.S. Patent No., 6,400,953 (Isomurso) and the present application are "owned by the same person or subject to an obligation of assignment to the same person." Therefore, Isomurso is disqualified as prior art under 35 U.S.C. 103(c). Withdrawal of the rejections is respectfully requested.

STATEMENT OF COMMON OWNERSHIP

The undersigned attorney of record hereby states that the invention of the present application and the subject matter of Isomurso (U.S. Patent No. 6,400,958) was, at the time the present invention was made, owned by or subject to an obligation of assignment to Nokia Corporation. Such ownership is reflected in the assignment records of the U.S. Patent & Trademark Office. Nokia Mobile Phones Ltd. is a wholly owned subsidiary of Nokia Corporation.

CONCLUSION



It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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